

**CONTINUING PATENT APPLICATION  
TRANSMITTAL** (for Continuing  
Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. **79199**

First Named Inventor or Application  
Identifier: **Fitzgibbon et al.**

19972 U.S. PTO  
10/630160  
07/30/03

Mail Stop **PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request under 37 C.F.R. §1.53(b) for  
filing a:

- ☒ Continuation application,  
☐ Divisional application,  
☐ Continuation-in-Part application,

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EV 214709206 US

) Date of Deposit JUL 30 2003

) I hereby certify that this paper or fee is being deposited  
) with sufficient postage utilizing the United States  
) Postal Service "Express Mail Post Office to Addressee"  
) Service under 37 CFR §1.10 on the date indicated  
) above and is addressed to Mail Stop **PATENT**  
) **APPLICATION**, Commissioner for Patents,  
) P.O. Box 1450, Alexandria, VA 22313-1450.

) ED PRICE  
) (Typed or printed name of person mailing)

) [Signature]  
) (Signature of person mailing)

of pending prior application number 09/804,407, filed on March 12, 2001 by  
inventor(s) Fitzgibbon et al. for MOVABLE BARRIER OPERATOR.

1. ☒ This is a continuation or divisional application. Enclosed is a copy of the prior  
application as originally filed, including specification, claims, drawings, and oath or  
declaration.

- or -

- ☐ Enclosed is a patent application (for continuation, divisional, or continuation-in-part  
applications) containing:

☐ \_\_\_\_\_ pages of the specification (including claims).

☐ \_\_\_\_\_ sheet(s) of drawings. ☐ Formal ☐ Informal

2. ☒ Amend the specification by inserting before the first line the sentence: --This is a  
☒ continuation, ☐ division, ☐ continuation-in-part, of prior application number  
09/804,407, filed 3/12/01, which is hereby incorporated herein by reference  
in its entirety.-- The entire disclosure of the prior application, from which a copy  
of the oath or declaration is supplied under paragraph 3 below, is considered as  
being part of the disclosure of the accompanying application, and is hereby  
incorporated by reference therein.
3. ☒ A copy of the executed Oath or Declaration filed in the prior non-provisional  
application is enclosed.

4. ☐ Inventorship:

☐ A newly-executed Oath or Declaration and Power of Attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).

☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):

\_\_\_\_\_

\_\_\_\_\_

☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§1.41(a) and §1.53(b)).

5. ☐ An Assignment of the invention to \_\_\_\_\_, and cover sheet are enclosed.

☐ A check in the amount of \$\_\_\_\_\_ to cover the fee for recording the assignment is enclosed.

6. ☒ The prior application is assigned of record to The Chamberlain Group, Inc..

7. ☐ A 37 C.F.R. §3.73(b) statement is enclosed where an assignee seeks to take action.

8. ☒ A Preliminary Amendment is enclosed.

9. ☒ Drawings:

☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138 and before payment of base issue fee.)

☒ New formal drawings are enclosed.

☐ Informal drawings are enclosed.

10. ☒ A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

11. ☐ An Information Disclosure Statement is enclosed.
- ☐ A Form PTO/SB/08 is enclosed.
- ☐ \_\_\_\_\_ References (copies) listed on the Form PTO/SB/08 are enclosed.
12. ☒ A Computer Program Listing Appendix is enclosed (97 pages).
- ☒ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- ☒ Two (2) Compact Discs are enclosed.
13. ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☐ A Computer Readable Copy is enclosed.
- ☐ A Paper Copy (Identical to Computer Copy) is enclosed.
- ☐ A Statement Verifying Identity of above Copies is enclosed.
14. ☒ A Return Receipt Postcard is enclosed (MPEP §503).
15. ☐ Priority of application number \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority document has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ A certified copy of the priority document is enclosed.
16. ☒ Power of Attorney:
- ☒ The power of attorney in the prior application is to:
- ☒ Kenneth H. Samples, Registration No. 25,747
- FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406.  
and other members of the firm.
- ☒ Customer Number 22242.
- ☐ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

17. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

18. ☒ The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,  
Less Any Claims Cancelled by Amendment

Basic Utility Fee					\$750.00	\$	750.00
Independent Claims	<u>3</u>	-	<u>3</u>	=	<u>0</u>	x	\$ 84.00 = \$ 0.00
Total Claims	<u>9</u>	-	<u>20</u>	=	<u>0</u>	x	\$ 18.00 = \$ 0.00
Fee for Multiply Dependent Claims					\$280.00		
or							
Basic Design Fee					\$330.00		
					Total Filing Fee	\$	0.00
<input type="checkbox"/> Applicant(s) assert entitlement to Small Entity Status, reducing the Filing Fee by half to:						\$	0.00

19. ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.

20. ☒ Charge \$ 750.00 to Deposit Account No. 06-1135. *Transaction No. 11041.*

21. ☐ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.

22. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this request is enclosed.

23. ☐ Also enclosed:

24. ☒ Address all future communications to Customer Number 22242.



July 30, 2003  
Date

Kenneth H. Samples  
Kenneth H. Samples  
Registration No. 25,747  
☒ Attorney or agent of record  
☐ Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007

PATENT

Attorney Docket No. 79199

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Fitzgibbon et al.

Appln No.: Not Yet Assigned

Filed: Herewith

For: MOVABLE BARRIER OPERATOR

Group Art  
Unit: Not Yet Assigned

Examiner: Not Yet Assigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number

EV 214709206 US

Date of Deposit JUL 30 2003

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PAENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ED PRICE  
(Typed or printed name of person mailing)

Ed Price  
(Signature of person mailing)

GENERAL AUTHORIZATION FOR PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)(3)

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby request under 37 C.F.R. §1.136(a)(3) by this general authorization that any concurrent or future reply submitted by Applicant(s) to the United States Patent and Trademark Office for the above-identified patent application requiring a petition for an extension of time under §1.136(a) for its timely submission be treated as incorporating therein a petition for an extension of time for the appropriate length of time.

If Applicant(s) do not timely pay for any extension fee(s) pursuant to 37 C.F.R. §1.136(a) which may become due for this application under 37 C.F.R. §1.17 by check, the Commissioner is hereby authorized to charge such fee(s), and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

July 30, 2003  
Date

Kenneth H. Samples  
Kenneth H. Samples  
Registration No. 25,747

FITCH, EVEN, TABIN & FLANNERY  
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PATENT

Attorney Docket No. 79199

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Fitzgibbon et al.	)	<u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u>
		)	"Express Mail" Mailing Label Number
Appln. No.:	Cont. of 09/804,407	)	<u>EV 214709206 US</u>
		)	<u>July 30 2003</u>
Filed:	Herewith	)	Date of Deposit
		)	I hereby certify that this paper or fee is being deposited
Title:	MOVABLE BARRIER OPERATOR	)	with sufficient postage utilizing the United States Postal
		)	Service "Express Mail Post Office to Addressee" Service
		)	under 37 CFR §1.10 on the date indicated above and
		)	is addressed to Mail Stop PATENT APPLICATION,
Group		)	Commissioner for Patents, P.O. Box 1450, Alexandria,
Art Unit:	Not Yet Assigned	)	VA 22313-1450.
		)	<u>Ed Price</u>
Examiner:	Not Yet Assigned	)	(Typed or printed name of person mailing)
		)	<u>[Signature]</u>
		)	(Signature of person mailing)

TRANSMITTAL COVER LETTER  
FOR COMPUTER PROGRAM LISTING APPENDIX

Mail Stop PATENT APPLICATION,  
Commissioner for Patents,  
P. O. Box 1450,  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§1.52(e), 1.77(b), and 1.96, Applicants hereby submit two (2) identical compact discs (CD-ROMs) each containing a computer program listing appendix for the above-captioned application. These discs are in IBM-PC machine format and are MS-Windows operating system compatible. The file on each disc is named " *Codelisting.txt*", is 207 KB in size, and was created on January 14, 2002.

The Commissioner is hereby authorized to charge any additional fees which may be required in respect to this submission, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Kenneth H. Samples  
Kenneth H. Samples  
Registration No. 25,747

Date: July 30, 2003

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Suite 1600  
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